

FILED
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U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ DEC 30 2016 ★

LONG ISLAND OFFICE

THE NORTH FACE APPAREL CORP.,

Plaintiff,

v.

PAUL HARYASH, JANE DOES 1-10 AND
XYZ COMPANIES 1-10,

Defendants.

CIVIL ACTION NO. _____

APPLICATION FOR ORDER TO SEAL
FILE

[FILED UNDER SEAL PURSUANT TO
15 U.S.C. § 1116]

CV - 16 7193

FEUERSTEIN, J.
BROWN, M. J.

Plaintiff The North Face Apparel Corp. ("The North Face" or "Plaintiff") hereby makes application to this Court that this action be maintained temporarily under seal, pursuant to 15 § U.S.C. 1116(d)(8). In this action, Plaintiff is requesting an *ex parte* Temporary Restraining Order, Seizure Order, Asset Restraining Order, Expedited Discovery Order and Order to Show Cause for Preliminary Injunction ("Requested Order") based on an action for trademark counterfeiting arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051 *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anti-Counterfeiting Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the "Lanham Act"). Sealing of the file is necessary to prevent Defendants from learning of these proceedings prior to execution and service of the Requested Order. If Defendant were to learn of these proceedings prematurely, the likely result would be the destruction of relevant documentary evidence and the hiding of assets, which would frustrate the

purposes underlying the Trademark Counterfeiting Act and would interfere with this Court's power to grant relief.

If the Court grants the requested *ex parte* relief, Plaintiff further requests that the Court file be sealed until the date for hearing on the order to show cause to modify preliminary injunction, as mandated by the statutory scheme under 15 U.S.C. § 1116(d)(8).

A Proposed Order To Seal File is submitted herewith.

Dated: December 30, 2016

Respectfully submitted,

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Apparel Corp.*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

THE NORTH FACE APPAREL CORP.,

Plaintiff,

v.

PAUL HARYASH, JANE DOES 1-10
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CIVIL ACTION NO. _____

[PROPOSED] ORDER TO SEAL FILE

**[FILED UNDER SEAL PURSUANT TO
15 U.S.C. § 1116]**

Upon consideration of the above-named Plaintiff's Application for an Order to File
Under Seal, it is hereby:

ORDERED that the Clerk of the Court shall maintain this action under seal pending
further order of the Court, and it is further

ORDERED that, notwithstanding this Order to Seal, the Clerk of the Court shall have
authority to provide Plaintiff with certified copies of any court orders entered in this matter while
under seal.

DATED this ____ day of December 2016.

UNITED STATES DISTRICT COURT

Hour: _____ a.m./p.m.

By: _____

United States District Judge